

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

TECNOCAP, LLC,

Plaintiff,

v.

**CIVIL ACTION NO. 5:20-CV-82
Judge Bailey**

**UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE
WORKERS INT'L UNION AFL-CIO, CLC,
AND ITS LOCAL UNION NO. 152M,**

Defendant.

**ORDER GRANTING MOTION FOR LEAVE TO FILE
CORRECTED MEMORANDUM OF LAW**

Presently pending before this Court is defendant's Motion for Leave to File Corrected Memorandum of Law in Support of Defendant Unions' Motion for Summary Judgment [Doc. 18], filed January 13, 2021. Therein, defendant seeks leave to file a corrected Memorandum of Law that will provide fuller citations, including subsequent history for *McElroy Coal Co. v. United Mine Workers of America*, 2008 WL 901892, at *5 (N.D. W.Va. Mar. 31, 2008), correct missing words, and provide more specific context for *Lynchburg Foundry Co. v. United Steelworkers of Am., Local 2556*, 404 F.2d 259, 262 (4th Cir. 1968).

Under Federal Rule of Civil Procedure 15(a)(1), a party may amend its pleading once as a matter of course within (A) 21 days of serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or

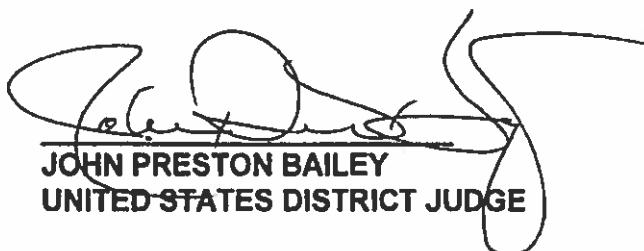
21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. When the 21 day period has expired, FRCP 15(a)(2) allows a party to amend its pleading with leave of the Court, which the rule states should be freely given when justice so requires.

In consideration of the foregoing, and for good cause shown, the Motion [Doc. 18] is hereby **GRANTED**. Defendant is directed to file its corrected **Memorandum of Law in Support of Defendant Unions' Motion for Summary Judgment** which is currently attached as an exhibit to the instant motion [Doc. 18-1].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: January 14, 2021.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE